

## **REMARKS**

In the Office Action, the Examiner indicated that the Declaration was defective because inventor Robert Jerome had not signed it. In addition, claim 11 was rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 was also rejected under 35 U.S.C. §101 because the claimed recitation of a use, without setting forth any steps involved in the process, resulted in an improper definition of a process. Claims 1-4 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Wada et al. (JP 1209189). Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wada et al. as applied to claims 1 and 4 above, and further in view of Brown (U.S. Pat. No. 2,761,835). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wada et al. as applied to claim 1, and further in view of Livengood et al. (U.S. 2002/0018951). Claim 7 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wada et al. as applied to claim 1 above, and further in view of Gitzel et al. (U.S. Pat. No. 5,069,994). Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wada et al. as applied to claim 1 above, and further in view of Bauer et al. (U.S. Pat. No. 5,728,764). Claims 10 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable

over Wada et al. as applied to claim 1 above, and further in view of Khemani et al. (U.S. Pat. No. 5,654,347).

A Declaration with Robert Jerome's signature is attached.

In response to the claim rejections under 35 U.S.C. §102 and 35 U.S.C. §103, Wada et al. (abstract) discloses a conventional impregnation process wherein "an inorganic laminar compound such as montmorillonite is immersed in an aqueous solution of quaternary ammoniums ions" (emphasis added). This is totally different from the present invention wherein (see claim 1) an unmodified clay such as montmorillonite is intimately mixed with a quaternary ammonium salt in presence of carbon dioxide under pressure.

In Wada et al., the quaternary ammonium salt reacts with montmorillonite in water to give an organommodified montmorillonite. The quaternary ammonium salt react therefore at this step of the process and is never in contact with carbon dioxide as it has became part of an organommodified clay before carbon dioxide is introduced into the process. Carbon dioxide will the play the role of a carrier to carry a guess compound into this "resultant laminar compound" or organommodified clay.

In contrast, in the present invention, water is totally absent. It is carbon dioxide which plays the role of solvent (see page 2, §21 last sentence). Quaternary

ammonium salt (in solid waste) and montmorillonite react in carbon dioxide under pressure to become an organomodified clay.

Consequently, Wada does not disclose nor teach the present invention and claim 1 is patentable. Claims 2-10 are therefore also patentable as being dependent on a patentable claim.


In response to the claim rejections under 35 U.S.C. §103, Brown and Wada both teach an impregnation process involving water. Their combination remains therefore totally different from the invention process of the present invention.

Based on the foregoing amendments and remarks, it is respectfully submitted that the claims in the present application, as they now stand, patentably distinguish over the references cited and applied by the Examiner and are, therefore, in condition for allowance. A Notice of Allowance is in order, and such favorable action and reconsideration are respectfully requested.

However, if after reviewing the above amendments and remarks, the Examiner has any questions or comments, he is cordially invited to contact the undersigned attorneys.

Respectfully submitted,

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